## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF PENNSYLVANIA

R. ALEXANDER ACOSTA, Secretary of	
Labor, Department of Labor,	
Plaintiff,	
vs.	Civ. A. No. 17-880 Judge Nora Barry Fischer
SX MANAGEMENT, LLC, a limited	Chief Magistrate Judge Maureen Kelly
liability corporation d/b/a Storexpress,	cinei wagistrate saage waareen keny
STEVEN MITNICK, individually, and as	
President and/or owner of SX Management,	
LLC, and EDMOND MCKEAN,	
individually, and as an employee of SX	
Management, LLC,	
Defendants,	

## **ORDER OF COURT**

AND NOW, this 2<sup>nd</sup> day of April, 2018, after the Plaintiff filed a Complaint on June 30, 2017, (Docket No. [1]), and Defendants SX Management, LLC and Steven Mitnick filed a Motion to Dismiss or, in the alternative, Motion for a More Definitive Statement on October 3, 2017, (Docket No. [3]), to which Plaintiff submitted a Brief in Opposition on October 26, 2017, (Docket No. [17]) and Defendants filed a Reply on November 9, 2017, (Docket No. [19]), and after a Report and Recommendation was filed by the United States Magistrate Judge on March 15, 2018, (Docket No. [20]), recommending that such Motion be denied, and granting the parties until March 29, 2018, to file written objections thereto, and no objections having been filed by the Court's deadline, and upon independent review of the record,

IT IS HEREBY ORDERED that the Report and Recommendation [20] is adopted

as the Opinion of this Court;

IT IS FURTHER ORDERED that Defendants' Motion to Dismiss [3] is DENIED,

for the reasons stated in said Opinion.

<u>s/Nora Barry Fischer</u>
Nora Barry Fischer
United States District Judge

cc/ecf: All counsel of record.
Chief Magistrate Judge Maureen P. Kelly